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DYKAS & SHAVER LLP				
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BOISE, ID 83701-0877				
EXAMINER				
HERRERA, DIEGO D				
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2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/579,939

Applicant(s)

RIZZI, GAETANO

Examiner

DIEGO HERRERA

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/26/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-41 and 43-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-41 and 43-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Amendment

Claims 1, 4 and 42 are cancelled.

Claims 2-3, 22, and 44 have been amended.

Claims 45-46 are new claims.

Response to Arguments

Applicant's arguments filed 10/26/2009 have been fully considered but they are not persuasive. In regards to applicant's remarks, wherein the claims are directed to a method that manages emergency reads on Linnet et al. the reference cited.

The reference of Linnet et al. teaches different ways of telecommunicating emergency type of situations and messages for aid or help required, which include position or GPS information, emergency contact information, medical records, and other pertinent information as to aid the rescue party find user in need of assistance, through means of architecture including such as an service center, wireless networks, and established prior emergency known systems. the verification of need of aid is timed and done periodically and acknowledge by mobile device user if user doesn't acknowledge then emergency signal with pertinent information is sent to predetermine service protocols. If there's no emergency triggered the mobile device can be accessed without entering PIN for usage.

Therefore, the claims are broad and the reference reads on the limitations presented on the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-3, 5-41, and 43-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Linnet et al. (US 20030034881 A1).

Consider claim 22. A method for the management of emergency situations (abstract) through a mobile terminal equipped with an electronic card apt to implement functions for accessing a mobile phone network (fig. 4-7), the electronic card comprising memory areas containing personal data of an owner of said electronic card (abstract, title, fig. 4-7, 10, ¶: 24-25, 28-30, Linnet et al. teaches memory means may also store use information which can be retrieved for transmission with at least one emergency contact reference, hence, operative when emergency function is activated), the method comprising:

a first phase of inserting said electronic card into said mobile terminal (fig. 11-12, ¶: 28-30)

a second phase of switching on said mobile terminal (fig. 11-12, ¶: 28-30),

a third phase of checking whether aid is actually necessary, said third phase preceding a request of a personal identification code of said electronic card (¶: 94-100, fig. 4-7,

abstract, Linnet et al. teaches activated in an emergency through emergency protocol and/or switch).

a fourth phase, following said third phase, of accessing the mobile phone network in case aid is needed so as to allow the mobile terminal at least to send an aid message to a service center (¶: 99-100, Linnet et al. teaches transmitting emergency signal to a service center or operator).

Consider claim 44. An electronic card for use in association with a mobile terminal (fig. 4-7, ¶: 24-25) and apt to implement access functions to a mobile phone network (fig. 5-7, abstract, title, ¶: 17, Linnet et al. teaches emergency communications network), the electronic card comprising memory areas containing personal data of an owner of said electronic card (¶: 28-30, Linnet et al. teaches SIMM card containing personal data), and wherein the electronic card is provided with a personal identification code (PIN) (¶: 88, Linnet et al. teaches PIN in SIMM card), is adapted to implement access functions to a mobile phone network of said mobile terminal after said PIN has been entered by a user of the mobile terminal (¶: 93-94, Linnet et al. teaches PIN entered and transmits a registration signal to an emergency communication network), and is adapted to verify if there is the need for an aid before checking said personal identification code (PIN) (¶: 93-94, 100, Linnet et al. teaches PIN is entered and transmits a registration signal to an emergency communication network), so that if there is need for an aid it allows the mobile terminal to access the mobile phone network so as to be able to send at least an aid message to a service center (¶: 93-94, 100, Linnet et al. teaches PIN is entered and transmits a registration signal to an emergency communication network).

Regarding claim 45. System for the management of emergency situations, the system comprising a mobile terminal equipped with an electronic card (¶: 30, Linnet et al. teaches SIMM card), wherein said electronic card is provided with a personal identification code (PIN) (¶: 29-30, Linnet et al. teaches SIMM card with PIN), wherein said electronic card is adapted to implement access functions to a mobile phone network of said mobile terminal (¶: 21, 98, Linnet et al. teaches accessing network for server database and/or operator), and wherein said electronic card is adapted to verify if there is the need for an aid before checking the personal identification code (PIN) entered by a user of the mobile terminal (¶: 93, Linnet et al. teaches user's enters PIN and is verified by comparing stored PIN on SIMM card), whereby if there is need for an aid the electronic card allows the mobile terminal to access the mobile phone network so as to be able to send at least an aid message to a service center (¶: 93-94, 100, Linnet et al. teaches PIN is entered and transmits a registration signal to an emergency communication network).

Regarding claim 46. Electronic card provided with a personal identification code (PIN) (¶: 93, Linnet et al. teaches user's enters PIN and is verified by comparing stored PIN on SIMM card) and adapted to implement access functions of a mobile terminal to a mobile phone network (¶: 93-94, 100, Linnet et al. teaches PIN is entered and transmits a registration signal to an emergency communication network), wherein said electronic card is adapted to allow a mobile terminal to access the network to send messages (¶: 96, Linnet et al. teaches mobile communication networks, whether it be wireless, satellite, and/or land line telephone network) and/or to make calls if the need for an aid

has been verified before the personal identification code (PIN) has been entered by a user of the mobile terminal (¶: 96, Linnet et al. teaches mobile communication networks, whether it be wireless, satellite, and/or land line telephone network. ¶: 93, Linnet et al. teaches user's enters PIN and is verified by comparing stored PIN on SIMM card).

Consider claim 2. The system according to claim 45, wherein said mobile terminal includes a display (¶: 36, Linnet et al. teaches liquid crystal display (LCD) unit) and wherein the electronic card comprises memory areas containing personal data of an owner of said electronic card (¶: 28-30, Linnet et al. teaches SIMM card containing personal data), whereby in case the electronic card verifies the need of aid, the electronic card is adapted to display said personal data on the display of said mobile terminal (fig. 4 element 18 display, ¶: 45, 61-69, 71, 90, and 99; Linnet et al. teaches measures taken to insure information is inputted and displayed on mobile terminal and stored in SIM or user programmable memory module; The SIM card is activated to send information when emergency or deadman/emergency switch is activated, hence, protocol followed for emergency or activation of aid needed and the mobile device can be adapted to display information).

Consider claim 3. The system according to claim 45 or 2, wherein said mobile terminal includes a memory area and wherein in case the electronic card verifies the need of aid, the electronic card is adapted to transfer said personal data into the memory area of said mobile terminal (¶: 45, 61-69, 71 Linnet et al. teaches measures taken to insure information is inputted and displayed on mobile terminal and stored in SIM or user programmable memory module; fig. 4 element 18 display, ¶: 45, 61-69, 71, 90, and 99;

Linnet et al. teaches measures taken to insure information is inputted and displayed on mobile terminal and stored in SIM or user programmable memory module; The SIM card is activated to send information when emergency or deadman/emergency switch is activated, hence, protocol followed for emergency or activation of aid needed and the mobile device can be adapted to display information).

Consider claim 5. The system according to claim 4, wherein said electronic card, before checking said personal identification code, verifies whether there is a need for medical aid, or a need for signaling that someone got lost (abstract, fig. 4-7, ¶: 99-100 Linnet et al. shows a dead man/emergency switch and means to deactivate verifying emergency before PIN is verified).

Consider claim 6. The system according to claim 5, wherein said electronic card allows choosing between a need for medical aid and a need to signal that someone got lost (abstract, title, fig. 4-7, ¶: 51, 61-68, 89, 101, Linnet et al. teaches PLB signal for locating person and SIMM card provides information about pre-existing medical conditions and other personal information).

Consider claim 7. The system according to claim 5, wherein said mobile terminal includes a keyboard and a need of aid is indicated through pressing a key on the keyboard of said mobile terminal (fig. 4, ¶: 28, Linnet et al. teaches key pad on mobile terminal for inputting numbers and information).

Consider claim 8. The system according to claim 5, wherein if there is a need of medical aid, said electronic card enables forwarding of a message to a service center (abstract, fig. 5-7, ¶: 24, 29-30, 55, Linnet et al. teaches emergency monitoring centers

and memory on SIMM card transmitting information retrieved with at least one emergency contact).

Consider claim 9. The system according to claim 5, wherein if there is a need of medical aid, said electronic card enables a call to a service center (abstract, fig. 5-7, ¶: 24, 29-30, 55, Linnet et al. teaches emergency monitoring centers and memory on SIMM card transmitting information retrieved with at least one emergency contact).

Consider claim 10. The system according to claim 8, further comprising said mobile phone network, wherein the forwarding of said message to said service center is detected by suitable means of said mobile phone network, and further means of said mobile phone network provide for detecting a position of said mobile terminal (fig. 7, ¶: 24-25, Linnet et al. teaches PLB and GPS equipped mobile terminal when in distress sending position of mobile terminal including other information).

Consider claim 11. The system according to claim 9, further comprising said mobile phone network, wherein said call to said service center is detected by suitable means of said mobile phone network, and further means of said mobile phone network provide for detecting a position of said mobile terminal (fig. 7).

Consider claim 12. The system according to claim 11, wherein said position is sent to said service center (¶: 24-25).

Consider claim 13. The system according to any one of the claim 5, further comprising a service center that includes a database containing personal data of the owner of said electronic card, and wherein if there is a need of medical aid, said electronic card

enables forwarding of a message to said service center (abstract, title, fig. 4-7, 10, ¶: 24-25, 51-54).

Consider claim 14. The system according to claim 13, wherein said service center transmits said personal data to a first aid center (abstract, title, fig. 4-7, 10, ¶: 24-25, 51-54).

Consider claim 15. The system according to claim 13, wherein said service center transmits said personal data and a position of said mobile terminal to a first aid center (abstract, title, fig. 4-7, 10, ¶: 24-25, 51-54).

Consider claim 16. The system according to claim 14, wherein said service center connects said mobile terminal to said first aid center (abstract, title, fig. 4-7, 10, ¶: 24-25, 51-54).

Consider claim 17. The system according to claim 13, characterized in that wherein said personal data comprise telephone numbers to be contacted in case of emergency (abstract, title, fig. 4-7, 10, ¶: 24-25, 45, 51-54, Linnet et al. teaches contact numbers).

Consider claim 18. The system according to claim 17, wherein said service center connects said mobile terminal to one or more of said telephone numbers to be contacted in case of emergency (abstract, title, fig. 4-7, 10, ¶: 24-25, 45, 51-54, Linnet et al. teaches contact numbers).

Consider claim 19. The system according to claim 17, wherein said service center connects said mobile terminal to a first aid center and to one or more of said telephone numbers to be contacted in case of emergency (fig. 4-7, ¶: 94-100).

Consider claim 20. The system according to claim 5, wherein telephone numbers to be contacted in case of emergency are stored in said electronic card, and if it is necessary to signal that somebody got lost, said electronic card enables the telephone numbers to be called one after the other in a sequence of calls (fig. 4-7, ¶: 94-100).

Consider claim 21. The system according to claim 20, wherein said sequence of calls is terminated when an answer is received from one of said telephone numbers to be called in case of emergency (abstract, title, fig. 4-7, 10, ¶: 24-25, 45, 51-54, Linnet et al. teaches contact numbers).

Consider claim 23. The method according to claim 22, further comprising, if there is need of aid visualizing said personal data on a display of said mobile terminal (¶: 45, 61-69, 71 Linnet et al. teaches measures taken to insure information is inputted and displayed on mobile terminal and stored in SIM or user programmable memory module).

A fourth phase, following said third phase, of accessing the mobile phone network in case aid is needed so as to allow the mobile terminal at least to send an aid message to a service center.

Consider claim 24. The method according to claim 23, further comprising, if there is need of aid, transferring said personal data into a memory area of said mobile terminal (¶: 45, 61-69, 71 Linnet et al. teaches measures taken to insure information is inputted and displayed on mobile terminal and stored in SIM or user programmable memory module).

Consider claim 25. The method according to claim 23, wherein before verifying a personal identification code, said electronic card checks whether a medical aid is

necessary or somebody got lost (abstract, fig. 4-7, ¶: 99-100 Linnet et al. shows a dead man/emergency switch and means to deactivate verifying emergency before PIN is verified).

Consider claim 26. The method according to claim 25, wherein said electronic card allows choosing between a need for medical aid and a need to signal that somebody got lost (abstract, title, fig. 4-7, ¶: 51, 61-68, 89, 101, Linnet et al. teaches PLB signal for locating person and SIMM card provides information about pre-existing medical conditions and other personal information).

Consider claim 27. The method according to claim 25, further comprising indicating a need of aid by pressing a key on a keyboard of said mobile terminal (fig. 4, ¶: 28, Linnet et al. teaches key pad on mobile terminal for inputting numbers and information).

Consider claim 28. The method according to claim 25, wherein if aid is necessary, said electronic card enables forwarding of a message to a service center (abstract, fig. 5-7, ¶: 24, 29-30, 55, Linnet et al. teaches emergency monitoring centers and memory on SIMM card transmitting information retrieved with at least one emergency contact).

Consider claim 29. The method according to claim 25, wherein if aid is necessary, said electronic card enables a call to a service center (abstract, fig. 5-7, ¶: 24, 29-30, 55, Linnet et al. teaches emergency monitoring centers and memory on SIMM card transmitting information retrieved with at least one emergency contact).

Consider claim 30. The method according to claim 28, wherein suitable means of said mobile phone network detect the forwarding of said message to said service center, and further means of said mobile phone network provide for detecting a position of said

mobile terminal (fig. 7, ¶: 24-25, Linnet et al. teaches PLB and GPS equipped mobile terminal when in distress sending position of mobile terminal including other information).

Consider claim 31. The method .according to claim 29, wherein suitable means of said mobile phone network detect said call to said service center, and further means of said mobile phone network provide for detecting a position of said mobile terminal (fig. 7).

Consider claim 32. The method according to claim 30, wherein said position is transmitted to said service center (¶: 24-25).

Consider claim 33. The method according to claim 29, wherein said service center includes a database with personal data of the owner of said electronic card (abstract, title, fig. 4-7, 10, ¶: 24-25, 51-54).

Consider claim 34. The method according to claim 33, further comprising transmitting said personal data from said service center to an aid center (abstract, title, fig. 4-7, 10, ¶: 24-25, 45, 51-54, Linnet et al. teaches contact numbers).

Consider claim 35. The method according to claim 33, further comprising transmitting said personal data and a position of said mobile terminal from said service center to an aid center (abstract, title, fig. 4-7, 10, ¶: 24-25, 45, 51-54, Linnet et al. teaches contact numbers).

Consider claim 36. The method according to claim 34, wherein said service center connects said mobile terminal to said aid center (abstract, title, fig. 4-7, 10, ¶: 24-25, 45, 51-54, Linnet et al. teaches contact numbers).

Consider claim 37. The method according to claim 33, wherein said personal data comprise telephone numbers to be called in case of emergency (abstract, title, fig. 4-7, 10, ¶: 24-25, 45, 51-54, Linnet et al. teaches contact numbers).

Consider claim 38. The method according to claim 37, wherein said service center connects said mobile terminal to one or more of said telephone numbers to be called in case of emergency case (abstract, title, fig. 4-7, 10, ¶: 24-25, 45, 51-54, Linnet et al. teaches contact numbers).

Consider claim 39. The method according to claim 37, wherein said service center connects said mobile terminal to an aid center and to one or more of said telephone numbers to be called in case of emergency (fig. 4-7, ¶: 94-100).

Consider claim 40. The method according to claim 25, further comprising storing telephone numbers to be contacted in case of emergency in said electronic card, and if it is necessary to signal that somebody got lost, said electronic card calls the telephone numbers one after the other in a sequence of calls (fig. 4-7, ¶: 94-100).

Consider claim 41. The method according to claim 40, further comprising terminating said sequence of calls when an answer is received from one of said telephone numbers to be called in case of emergency (abstract, title, fig. 4-7, 10, ¶: 24-25, 45, 51-54, Linnet et al. teaches contact numbers).

Consider claim 43. A system implementing the method according to claim 22 (abstract, title, Linnet et al. teaches system and device for emergency or distress situation, see claim 22 for further application of reference).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/
Examiner, Art Unit 2617

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